

REMARKS

Claims 1-6, 29-30, 32-33 and 37-38, as amended, appear in this application for the Examiner's review and consideration. Claims 1 and 32 have been amended to recite that the bridging group of the claimed backbone cyclized peptide analog has the preferred structure $-(CH_2)_m - Y^2 - (CH_2)_n -$, wherein m and n are 1 to 5, and wherein Y^2 is amide, thioether, thioester or disulfide. The amendment is supported by the formulas in the specification, e.g., formulas 1 and 2 on p.11 and formulas 3 and 4 on 13. As no new matter has been added by any of these amendments, their entry at this time is warranted.

The Examiner objected to the information disclosure statement as failing to comply with the requirement that a legible copy of each U.S. and foreign patents, each publication or other information or portions thereof be submitted. As the current rule changes omit the need for submitting copies of US patents, applicants are enclosing copies of the remaining required documents with this amendment. Formal drawings are also submitted for this application.

The Examiner's acknowledgement of allowable subject matter in claims 30 and 38 is acknowledged with appreciation and those claims have been re-written in independent form.

Applicants acknowledge the Examiner's agreement to examine claims 1-6, 29-30, 32, 37-38. For the reasons set forth herein, it is believe that the generic claims are allowable, so that all current claims, including those that are currently withdrawn and that are dependent upon the currently examined claims, are in condition for allowance.

Claims 29 and 37 were rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey that Applicants had possession of the invention at the time when the application was filed. Specifically, the Examiner states that claims 29 and 37 introduce new matter as they present a new generic formula which blends together formulas 3 and 4. Applicants respectfully disagree.

MPEP § 2163(II) (A) (3) (a) (ii) explicitly states that the written description requirement for a claimed genus may be satisfied through sufficient description of a representative number of species by actual reduction to practice. In the present application, the backbone cyclized analog claimed in claim 29 is a genus that encompasses the species described in the specification, lines 13-19 and lines 36-40, p. 13. Since the species are sufficiently described as required by the MPEP, the written description requirement for the genus as described in claim 29 is satisfied. Furthermore, as claim 29 is merely the combination of previous claims that are expressly supported in the specification. For these

reasons, the genus claimed by claim 37 has also been sufficiently described and disclosed in the specification. Thus, the Examiner's rejection has been overcome and should be withdrawn.

Claims 1-6 and 32 were rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 4,235,886 to Freidinger et al (hereafter "Freidinger"). More specifically, the Examiner states that the generic claims 1-6 and 32 read on any cyclic peptide satisfying the minimum structural requirements as exemplified in Freidinger. Applicants respectfully disagree.

In the present invention, Applicants claim a backbone cyclized peptide analog having IL-6 antagonist activity, comprising a peptide sequence of five to twenty amino acids that incorporates at least one building unit. The building unit in the present invention contains one nitrogen atom of the peptide backbone connected to a bridging group comprising an amide, thioether, thioester or disulfide. The building unit is connected via the bridging group to form a cyclic structure. Claim 1 has been amended to further recite that the bridging group has the structure $-(CH_2)_m - Y^2 - (CH_2)_n -$, wherein m and n are 1 to 5, and wherein Y^2 is amide, thioether, thioester or disulfide. In other words, there will be at least one methylene group on each side of the Y^2 group.

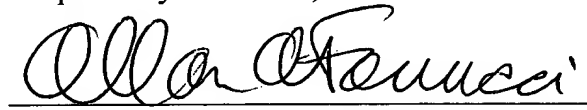
In contrast, the main structural cycle of the compound in Freidinger does not contain any structural moiety of the formula $-CH_2 - Y^2 - CH_2 -$. This is obvious from the structure in claim 1 of Freidinger since none of the R groups can be hydrogen according to claim 1. In other words, $-CH_2 -$ structure is not present in the compound in Freidinger. Thus, contrary to what the Examiner states, claims 1-6 and 32 do not read on the compounds in the prior art such as Freidinger. The Examiner's rejection has been overcome and should be withdrawn.

In view of the above, the entire application is believed to be in condition for allowance, early notice of which would be appreciated. Should any issues remain, a personal or telephonic interview is respectfully requested to discuss the same in order to expedite the allowance of all the claims in this application.

Date: _____

10/1/03

Respectfully submitted,


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